IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.5897 of 2007
[B.A. Sable & another Vs. B. J. Lonkar]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. A. Parchure, Advocate for the petitioners.

CORAM : A.H. JOSHI, J.

DATE : 19th December,2007.

1. Heard.

2. In the suit which is of 1991, thirteen Issues were framed only in 2007.

3. The defendants seem to have a different point of view as to the form and tenor of issues which fasten the burden of some of the issues on the defendants. Instead of raising a specific plea for amendment or modification of particular issues, the defendants have chosen a novel way and have prayed for addition of seven more issues, thereby changing the entire tenor of burden of proof.

4. If issues 1 to 13 and issues proposed by the defendants, namely proposed Issue Nos. 14 to 20 are seen, it is clear that the prayer is not as innocent the manner in which it has been

couched. The Trial Court having perceived the real spirit underlying the application, has rejected the application by Order dated 28th November, 2007.

5. The petitioners-defendants are not in a position to demonstrate as to how any of the issues proposed by the defendants is necessary on account of omission to cover any of the matters involved in the case. In this background, no interference is called for.

6. Writ Petition is, therefore, dismissed.

Judge

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